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OFFICE OF PETITIONS

In re Application of	:	
Frederick L. Jordan	:	DECISION ON PETITION
Application No. 10/517,901	:	TO WITHDRAW
Filed: December 10, 2004	:	FROM RECORD
Attorney Docket No. HO-P03088US2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 6, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that David A. Plumley does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of David A. Plumley not having power of attorney. See MPEP §§ 601.03 and 405.

Accordingly, all future communications from the Office will be directed solely to the current address of record until proper instructions have been received.

Additionally, petitioner contends that "A Power of Attorney by Assignee was filed on October 22, 2007 appointing the practitioners associated with Customer Number 23363." However, the request by the assignee, did not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents

submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot accept the October 22, 2007 Power of Attorney by Assignee.

Currently, a Notice of Appeal was filed in the above-identified application on June 4, 2009.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions